

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Deutsche Bank Trust Company Americas, in its capacity as successor  
indenture trustee for certain of Senior notes, et al

INDEX#: 1:11-CV-04784-RJH

against

*Plaintiff(s)*

Adaly Opportunity Fund TD Securities Inc. c/o Adaly Investment Management  
Co.,

*Defendant(s)*

**AFFIDAVIT OF SERVICE**

State of New York       }  
County of New York    } ss.:

The undersigned, being duly sworn, deposes and says;

Deponent is not a party herein, is over 18 years of age and resides in Wheatley Heights, New York

That on **11/14/2011 at 10:28 AM at 167 Brooklyn Avenue, Huntington, NY 11743**

deponent served a(n) **Summons In A Civil Action and Second Amended Complaint, New York Amended Exhibit A**  
on **Leslie Payne** defendant therein named,

by delivering a true copy of each to said defendant personally;

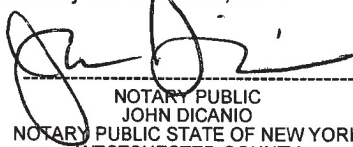
deponent knew the person so served to be the person described as said defendant therein.


Description of Person Served:

Gender: Male  
Skin: Black  
Hair: Gray  
Age: 65  
Height: 5ft9in-6ft0in  
Weight: 161-200 Lbs.  
Other:

MILITARY SERVICE: Person spoken to was asked whether the recipient was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me this  
16th day of November, 2011

  
NOTARY PUBLIC  
JOHN DICANIO  
NOTARY PUBLIC STATE OF NEW YORK  
WESTCHESTER COUNTY  
LIC. # 01DI4977768  
COMM EXP. 2/11/2015

  
Russell Webb  
License No. 1216146